

Town of Milton
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Milton Town Council Meeting
Milton Library, 121 Union Street
Monday, July 2, 2018
5:00pm Executive Session; 6:30pm Regular Meeting

Call to Order by Mayor Kanakos at 5:00 PM

Roll Call – T. Kanakos, Mayor; K. Kelly, Vice Mayor; M. Cote', Treasurer; R. Baty, Secretary; E. West, Jr., Councilman; C. Fleetwood, Councilman; S. Garde, Councilman

Additions or Corrections to the Agenda - none

Agenda Approval – Motion made by Councilman West to approve the agenda; second by Vice Mayor Kelly. Motion carried unanimously.

Executive Session – Motion made by Councilman West to go into executive session; second by Vice Mayor Kelly. Motion carried unanimously.

Discussion and vote on Executive Session Items

Motion made by Councilman Garde that Mayor and Town Council direct the Town Manager to include the staffing discussed in executive session in the draft budget; second by Vice Mayor Kelly. Motion was unanimously approved.

Motion made by Vice Mayor Kelly to approve of the amendment under discussion in executive session; second by Councilman Garde. Motion was unanimously approved.

Motion made by Councilman Garde to approve the amendment to the contract that was discussed in executive session as presented; second by Councilman West. Motion was unanimously approved.

Motion to agree to the amendment, the other agreement amendment, as discussed in executive session; second by Councilman West. Motion was unanimously approved.

Moment of Silence

Pledge of Allegiance to the Flag

Public Participation

Steve Crawford, 16 Ridge Rd. Status of sewer plant off the river.

Mayor: We do have some info that will be forthcoming.

Bob Burakiewicz: Reminder July 4th in the park. Everything free for the kids.

Councilman West: Speaking of the park, on behalf of Charlie and myself and Parks and Recreations, thank you to the Garden Club for their nice donation of the Garden Gates and generous donation. Congratulations and at the dedication the other day. Also they were turned over to the town so there will not be any repercussions like the trees guards were.

Susan Fewell: Mulberry St. – Notice that there were no guns allowed in the library and was thinking that the park can carry guns which is so close to the library. But not allowed in the library per sign. Children and families use the park on regular basis. Wondering if it was feasible to make the park a no gun area.

Solicitor Thompson: Short answer Cited Title XXII. Limits a municipality's ability with one exception in town meetings. A town could choose to limit who carries in town meetings but not outside a meeting. But they can regulate discharge of a firearm through an Ordinance.

Susan Fewell: How do you carry out something like that?

Solicitor Thompson: You have ordinances to regulate the discharge of a firearm.

Susan Fewell: But you could kill somebody and then... Is there anyway of changing that so that so that our families and children are safe in the park? They are safe in the library but not safe in the park.

Mayor: They are not safe anywhere. By putting a sign up in six languages. There are some people can't read.

Susan Fewell: If the town made this a law, it would go by word of mouth. All kinds of gossip goes by word of mouth.

Mayor: Gossip is not very productive. Asked Police and Solicitor about if you have a carry permit you can carry anywhere even into the Library. Only a State building you can't carry with a permit

Susan Fewell: I think if you read the sign on the door.

Mayor: Law abiding citizen may be able to save someone. Not everybody who has a permit to carry is not a criminal.

Susan Fewell: I am not saying that. Just that fewer guns make it safer.

Chief Longo: If it is posted, you cannot carry in. Sad part is law abiding citizen will follow that. We can have it posted but not supposed to have it.

Susan Fewell: More concerned about the greater number of people in park especially families and children. I was just wondering. Thank you.

Councilman Fleetwood – Discharge firearms within town limits. Shooting ducks by the pond. Can't put a sign up but we can stop smoking and drinking.

Solicitor Thompson - Read Title 22, Section 111 regarding municipalities cannot enact a law to regarding firearms except the discharge of firearms may be regulated. Discussion on firing gun in self-defense. You wouldn't be subject to the ordinance. Municipal buildings contain officers and suspects. Defined municipal buildings. Only have the authority that the legislature give to us and put limitations on that authority.

Councilman Garde: Thank you for your comments. It is an important comment it does involve safety of the children. When the Charter was being rewritten this subject came up and portion of the charter says what we are allowed to do. We were told exactly what Town solicitor said. Kind of an urgency to see what we can do. Don't think park was a specific example. It was overwritten by the state's regulations empowering those of us who have a charter. Just let you know it has been considered and we are in compliance with state laws and allowed to put into

charter. Only way to change is to get Legislator to make a change. When the charter committee in effect, it did consider this.

Susan Fewell: The only other thing is private property.

Solicitor Thompson: Someone in private residence can decide who can carry a weapon. That is a separate issue.

Susan Fewell: There is flexibility you can decide in your own home or the café. We don't want you to have a gun.

Mayor: You can go to Dave Wilson's Auction and there are signs all over the place.

Solicitor Thompson: Not in the business to regulate.

Susan Fewell: What year?

Solicitor Thompson: The one adding the buildings about 3 years ago.

Councilman West: shooting in the courthouse in Wilmington.

Solicitor Thompson: We could see when enacted?

Michela Coffaro: 608 Union Street – Read an article in the Gazette solid waste and recycling. Sustainability Committee would like to invite you July 24 to come to our usual meeting to discuss what we may and may not include. Each of you are invited. Award plans for the future to get rid of plastic straws. Lastly, I can no longer find the handicap spot at the farmhouse; Sign is gone at the farmhouse.

Councilman Fleetwood – sign is gone; it was barely legible.

Michela Coffaro: But it was legible for those who were short. Any other questions? Hope to see you soon.

Mayor: Just request for one.

Councilman Fleetwood: What time is the meeting?

Michela Coffaro: 5:30 is the time of the meeting at the library.

Requests for Removal of Items from the Consent Agenda

Councilman West motion to approve the Consent Agenda. Councilman Garde second that with my terms there are several minor amendments made prior to this in executive session relating to executive session minutes. Will give to the secretary minutes of May 7, 21, June 4 approved with minor corrections. Written committee reports do not have to approve.

Motion by Councilman West to approve the Consent Agenda with the changes; second by Councilman Garde. Mayor: Any discussion? Motion carried unanimously.

Approval of the Consent Agenda on the following items:

Written Committee Reports

Written Department Reports: Administrative, Code Enforcement, Police, Project Coordinator, and Public Works

Finance Report, and Statement of Revenues and Expenditures

Minutes: May 21, and June 4, 2018

Executive Session Minutes: May 21, and June 4, 2018

New Business – Discussion and possible vote on the following items:

Proclamation to recognize Milton native Bryan Stevenson

Councilman West made a motion to accept this proclamation to recognize Milton Native Bryan Stevenson, Esq. asked that Mayor be allowed to sign the Proclamation. Councilman Garde seconded. Motion passed unanimously.

Mayor: Someone come forward to read the proclamation.
Proclamation was read by Ms. Anne Pratt.

Mayor: Never heard of him until a few years ago. It is really interesting for such an accomplished person. We have some really great things going on in town.

Councilman West: Councilwoman Estelle brought this to our attention before she went off council. Glad we were able to do what she asked us to do.

Mayor: I am impressed.

Bond reduction request from Fernmoor Homes at Heritage Creek, related to Phase 4A of Heritage Creek

David Steele, from Fenmoor Homes, requesting bond reduction for Phase 4A. We are requesting to reduce the bond to the amount of \$135,425.25. The original bond was \$451,417.50.

Mayor: Staff looked at it.

Councilman West: Make the recommendation grant the request to reduce.

Kristy Rogers: Page 2 at the bottom an edit is needed. Requested by the council. It is requested by Fernmoor.

Councilman Garde: no place in here that I saw that we have received all the listed items. It says they shall be submitted and reviewed. My question is have they been submitted, reviewed and accepted.

Kristy Rogers: Yes, but items only relating to bond reduction. Not accepting streets at this time. Preliminary aspects.

Councilman Garde - so much feedback, I did not understand.

Kristy Rogers: This review was only preliminary, relating to bond reduction. Not acceptance of streets yet.

Councilman Garde - I don't even know what it is that is acceptable. Water mains been tested and accepted?

Kristy Rogers: Yes.

Councilman Garde –Same thing goes for sewer with Tidewater This may be one where Fernmoor says Tidewater has tested and approved

Councilman Cote: Do you have anything from Tidewater?

David Steele: Yes. Will submit a copy.

Councilman Garde – with the documents presented if we approve the reduction we are also accepting construction improvement we are also saying all terms of conditions of the agreements liens have been met.

Kristy Rogers: Development agreement; See Section 138

Councilman Garde: The only motion is to reduce the bond. And as far as town hall and management is concerned we are in a position to comply with all ordinances.

Kristy Rogers: Yes

Councilman West: In all due respect, I trust their judgement. Fernmoor has lived up to what they have said.

Solicitor Thompson – Form is a little confusing. It does spell out in final actions prior to full release. I think it is more notice to Fernmoor.

Councilman Garde: Not accepting dedication of the streets. Simply reducing bond, which is significant to Fernmoor.

Councilman West: Like I said Pennoni has not steered us wrong yet.

Motion and second already made.

Councilman Garde: I have no more questions.

Mayor: Bond reduction approved unanimously.

Raymond and Phoebe Sachs are requesting review and forwarding to Planning and Zoning, an application for a major subdivision known as Fullum Fields located on Atlantic Street further identified by Sussex County Tax Map and Parcel ID 235-20.08-88.00, 88.01, 88.02, 89.00 and 89.02

Mayor: read item C. Who will speak to this?

Councilman West: Asking to be able to send forward to P&Z. Will bring back to us.

Solicitor Thompson: Major subdivision first step council weigh in at this point. Preliminary and then a final subdivision occur at Council.

Councilman West: I make a motion to send onto P&Z and Mr. Collier stays on top of this. It will ease a lot of people's minds. Keep us informed.

Councilman Garde seconded that motion. Before take a vote, would like to hear from Mr. Sachs and tell us what he wants to do. And then prior to vote and handful of suggestions expect P&Z will confirm.

Mr. Sachs: We had the opportunity to go before P&Z but did not have a quorum. They made several suggestions to make changes made all those changes presented them for your approval so it can go to P&Z.

Councilman Garde: just ensure P&Z when they review compliance with the flood plan ordinance below base elevation Look at Milton's requirements for setbacks and notice make notes.

Compliance with Milton's of lots and sq feet of lots. County level potential revision total sq footage usable sq footage in the lot. P&Z use current ordinances to make sure in compliance and those are my only three stipulations part of their charter anyway.

Councilman Kelly: associated with this one has to do with setbacks off Atlantic and whether visibility with traffic. Lots identified wet lands rough estimate significant slope. Water runoff pretty significant. In the diagram indication widening in front of the development, my concern traffic coming in and out how those issues were addressed. For the record be sure issues are raised.

Councilman West: I am sure that they will get them straight.

Councilman Garde: So do I. But in front of us, I want specifics in the record.

Councilman West: I understand that and I am glad. We don't need headaches down the road.

Councilman Garde: Thank you. This is the most level of detail I have seen for a new subdivision prior to even going to P&Z.

Mayor: All in favor. Motion passed unanimously.

Motion to Adjourn by Councilman West, second by Councilman Fleetwood – 7:09 PM – passed unanimously.